IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 458 of 1984

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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M/S. P.V.D. PLAST MOULD INDUSTRIES
Versus
GUJARAT INDUSTRIAL INVESTMENT CORPORATION LIMITED,

MR VN BHAGODIA for Petitioner No. 1
MR KG SHAH for Petitioner No. 1
MR GN SHAH for Respondent No. 1
MR AY KOKJE AGP for Respondent No. 2-3

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 18/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE RAVI R.TRIPATHI)

1. The present Petition was filed challenging the vires of Section 3(1) and 3(2) of the Gujarat Public Money (Recovery of Dues) Act, 1979 as ultravires. An affidavit-in-reply is filed by one Shri K.T. Patel, Deputy Manager (Law) of Gujarat Industrial Investment Corporation Limited wherein it is stated in paragraph 4.3 that the Apex court has upheld the vires of similar provisions of Uttar Pradesh Public Moneys (Recovery of Dues) Act in the matter of The Director of Industries, U.P. and others Vs. Deepchand Agarwal reported in AIR

1980 SC 801. It is also stated in the said paragraph that the validity of similar provisions of Rajasthan Public Debt Demand Recover Act was also upheld by the Apex Court in the case of Mannalal and another vs. Collector of Jhalawar and others reported in AIR 1961 SC 828. It is further stated in the reply affidavit that the Karnataka High Court has also upheld the validity of similar provisions in a similar legislation in the case of M.A. Kamath etc. vs. Karnataka State Financial Corporation reported in AIR 1981 Karnataka 193. Last but not the least, it is mentioned in the reply affidavit that the Madras High Court also had an occasion to uphold the validity of similar provisions in the case of G.N. Vyankataswami vs. Tamil Nadu Small Industries Development Corporation Limited and others reported in AIR 1981 Madras 319.

2. In paragraph 6 of the affidavit-in-reply, it is stated that the challenge on the ground of Article 14 is covered by the decision in Bharat Chemical Works vs. Gujarat State financial Corporation reported in 1982 (23) (2) G.L.R. 550 and other decisions of this Court.

3. In view of the aforesaid averments in the reply affidavit, we find no merits in the Petition. It is hereby dismissed. Rule is discharged with no order as to costs.

(D.M. DHARMADHIKARI, C.J.)

(RAVI R. TRIPATHI, J)

[sndevu]